IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2279 of 2007

GRAM PANCHAYAT, RAMGARH & ORS.
V/S
UNION OF INDIA & ORS.

Mr. SANJEET PUROHIT, for the appellant / petitioner

Mr. BL BHATI, for the respondent

Mr. RAVI BHANSALI, for the respondent.

Date of Order : 29.11.2007

HON'BLE SHRI N P GUPTA,J.
HON'BLE SHRI MUNISHWAR NATH BHANDARI,J.

ORDER

Heard learned counsel for the parties. In our view, the petitioner has a remedy of appeal under Section 11 of the National Environment Appellate Authority Act, 1997 against the granting of environment clearance.

The grievance raised in the present writ petition is about the priority of the public hearing while fact has remained that after the public hearing, the environment clearance has already been granted. The petitioner in the writ petition has prayed that the respondent authorities may be restrained form grating the environment clearance certificate. Obviously, the said certificate has issued, as such this relief, no more survives; so far valdiity of public hearing is concerned that can be taken as ground to challenge the clearance, in appeal under Section 11.

In our view, we do not find any ground to entertain the present writ petition as Public Interest Litigation.

The writ petition is, therefore, dismissed. It is however, clarified that this dismissal of the appeal will not come in the way of the petitioner, in seeking the remedy under Section 11 of the Act, as above.

(MUNISHWAR NATH BHANDARI),J. (N P GUPTA),J.

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